



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

James E. Hughes

355 7221

(Enter above the full name of the plaintiff  
or plaintiffs in this action).

(Inmate Reg. # of each Plaintiff)

**VERSUS**

**CIVIL ACTION NO.** 3:20-cv-00374

(Number to be assigned by Court)

W. Jack Stevens, II, Esq

James Gabehart, Esq

(Enter above the full name of the defendant  
or defendants in this action)

**COMPLAINT**

**I. Previous Lawsuits**

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes \_\_\_\_\_

No X \_\_\_\_\_

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Defendants: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county);

\_\_\_\_\_

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3. Docket Number: \_\_\_\_\_

4. Name of judge to whom case was assigned:

\_\_\_\_\_

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

\_\_\_\_\_

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6. Approximate date of filing lawsuit: \_\_\_\_\_

7. Approximate date of disposition: \_\_\_\_\_

II. Place of Present Confinement: Western Regional Jail

A. Is there a prisoner grievance procedure in this institution?

Yes X No \_\_\_\_\_

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes \_\_\_\_\_ No X

C. If your answer is YES:

1. What steps did you take? \_\_\_\_\_

\_\_\_\_\_

2. What was the result? \_\_\_\_\_

\_\_\_\_\_

D. If your answer is NO, explain why not: Does Not apply

\_\_\_\_\_

### III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: James E. Hughes # 3557221

Address: One O'Hanlon Pl. B-Ville, WV 25504

B. Additional Plaintiff(s) and Address(es): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant: W. Jack Stevens, II, Esq  
is employed as: assistant Prosecuting attorney  
at Lincoln County Circuit Court

D. Additional defendants: James Gabehart  
Prosecuting Attorney  
at Lincoln County Circuit Court

#### IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Mr. Stevens and Mr. Gabehart are  
using a binding plea to discriminate  
against individuals. This binding plea  
states, No Second Chances, but guarantees  
Probation. Upon a Violation/any Violation  
the Original Sentence is to be re-imposed  
imposed. However, Mr. Stevens and  
Mr. Gabehart pick and choose who



**IV. Statement of Claim (continued):**

gets a Second Chance and Who does Not. I did not get a Second Chance. Thomas Napier, James Terry, Ali Taylor Grover Adams, Shane Sigb - Just a few that did get a Second Chance. I feel like I have been discriminated against in this matter. Due to this, I have lost everything. I have had a bed secured in Rehab 2 times since Jan. 2020, only to be denied By The defendants (continued)→

**V. Relief**

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I would like the defendants to be held accountable for their Wilping and Knowing discrimination. Pay for The Plaintiffs Rehabilitation of Choice. Also, add \$65.00 a day since Sept. 26, 2019 to Plaintiffs Spending account. Plaintiff, also asks that the defendants Pay any and all Court + Cost, filing fees ect....

## Statement of Claim(Cont.)

In the other few cases mentioned above Mr. Stevens / Gabehart Modified the binding plea and these people were all given another chance. Home confinement, shockers, drug court, ect..... I on the other hand, have a drug charge and an obvious drug problem, cause I failed the all the urine screens given to me. If said Binding plea is Modified for one then it should be Modified for all, Therefore the defendants have knowingly and willingly discriminated against Plaintiff



**V. Relief (continued):**

The Plaintiff would also ask, that the defendants Jackie Stevens and James Gabehart also pay pain and suffering/hardship and punitive damages in the amount of ~~(\$ 35,000)~~ Thirty five Thousand dollars

**VII. Counsel**

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

\_\_\_\_\_

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes X No \_\_\_\_\_

If so, state the name(s) and address(es) of each lawyer contacted:

Jeff Bowen P.O. Box 1 West Hamlin, WV  
25571

If not, state your reasons: \_\_\_\_\_

\_\_\_\_\_

- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes \_\_\_\_\_ No X

If so, state the lawyer's name and address:

\_\_\_\_\_  
\_\_\_\_\_

Signed this 19 day of May, 2020.

James Hughes  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/19/2020  
(Date)

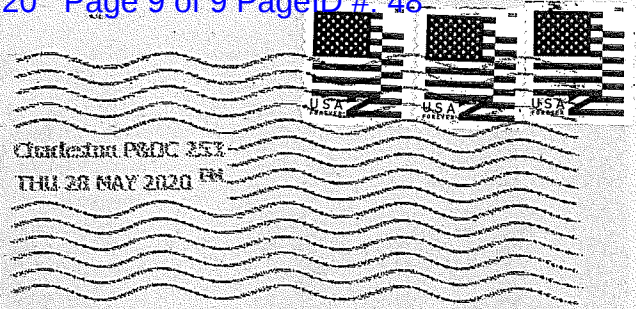
James Hughes  
Signature of Movant/Plaintiff

\_\_\_\_\_  
Signature of Attorney  
(if any)



James Hughes #3557221  
Western Regional Jail  
ONE O'Hanlon Place  
Barboursville, WV 25504

3E



~~This person is an inmate  
at Western Regional Jail~~

Clerk, US District Court  
845 Fifth Ave. Rm. 101  
Huntington, WV 25701